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Elections to fill vacancies in subsidiary organs and other elections: election of 47 members of the Human Rights Council

Letter dated 6 April 2006 from the Permanent Representative of Finland to the United Nations addressed to the President of the General Assembly

I have the honour to inform you that the Government of Finland has presented its candidature to the Human Rights Council, at the elections to be held during the sixtieth session of the United Nations General Assembly on 9 May 2006. Attached you will find an aide-memoire containing Finland's pledges and commitments related to the protection and promotion of human rights both at the national and international levels (see annex).

Finland considers the establishment of the Human Rights Council to be an historic opportunity to further the cause of human rights worldwide. For its own part, Finland pledges to do its utmost to ensure that the Human Rights Council fulfils the expectations that the people of the world are placing on it.

The enclosed pledges are aimed at demonstrating Finland's full commitment to upholding the highest standards in the protection and promotion of human rights and its willingness to contribute actively to the creation of an open, transparent, productive and effective Human Rights Council.

(*Signed*) Kirsti **Lintonen**
Ambassador
Permanent Representative of Finland

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Annex to the letter dated 6 April 2006 from the Permanent Representative of Finland to the United Nations addressed to the President of the General Assembly

Aide-memoire on the candidature of Finland to the United Nations Human Rights Council

The establishment of the Human Rights Council creates an historic opportunity to strengthen the human rights protection system within the United Nations. For its own part, Finland pledges to do its utmost to ensure that the Human Rights Council fulfils the expectations that the people of the world are placing on it.

Finnish foreign policy, human rights and the United Nations

Human rights are a priority in Finnish foreign policy.

- An active and innovative human rights policy is an integral part of Finland's foreign and security policy. Special attention is devoted to ensuring that human rights are taken into consideration in all areas of Finnish foreign policy.

Finland supports the primary role of the United Nations in promoting human rights.

- As a global Organization, the United Nations provides a unique forum for the development of international legal order and for multilateral cooperation. Finland actively contributes to the enhancement of these activities and fully supports the strengthening of the Office of the United Nations High Commissioner for Human Rights as well as the entire United Nations human rights machinery. A particularly important part of Finland's human rights policy has consisted of supporting the Commission on Human Rights and its special procedures.

Finland aims at a fair and inclusive globalization.

- Along with the emphasis on human rights, Finland firmly supports democracy, good governance, equality, sustainable development and a fair and inclusive globalization. In 2002, the Helsinki Process on Globalization and Democracy was created at the initiative of the Finnish Government, in cooperation with the Government of the United Republic of Tanzania. Fruitful groundwork was provided by the International Labour Organization (ILO) World Commission on the Social Dimension of Globalization, co-chaired by the Presidents of Finland and the United Republic of Tanzania. The Helsinki process is inspired by the need for a global multi-stakeholder dialogue and the need to mobilize political will. Identification of concrete ways to enhance the respect for human rights has a central role in the process.

Finland — a firm supporter of the United Nations.

- Since the early days of its membership, Finland has striven to be an engaged, active and constructive Member State, promoting the unique role of the United Nations in serving the cause of peace, advancing development and defending the rights and dignity of every human being. This year, Finland is celebrating the fiftieth anniversary of its participation in United Nations peacekeeping operations. Since the Suez operation, Finland has participated in dozens of United Nations peacekeeping operations, with approximately 47,000

peacekeepers. Finland emphasizes the centrality of human rights, democracy and the rule of law in conflict prevention and in the maintenance of peace and security.

- At regional level, Finland had a key role in preparing ground for the process that became the present Organization for Security and Cooperation in Europe, and has recently initiated several human rights related projects at the Council of Europe (the Human Rights Commissioner, European Roma and Travellers' Forum).

Finland is keen to participate actively in the work of the Human Rights Council.

- The establishment of the Peacebuilding Commission and the Human Rights Council are tangible examples of the ability of the United Nations to reform itself and to adapt to new realities. The resolution establishing the Human Rights Council gives us a solid foundation for a more effective human rights body. A great deal of work, however, lies ahead of us. Finland is keen to participate actively in this work, and to contribute to the creation of an open, transparent, productive and operational Human Rights Council.

Finland and human rights

Respect for human rights, democracy and the rule of law have strong traditions in the Finnish society.

- This year Finland celebrates the one-hundredth anniversary of women's right to vote and women's right to stand for the Parliament. Finland has a modern Constitution, which, following the model of the Universal Declaration of Human Rights, encompasses all fundamental rights. Economic, social and cultural rights as well as civil and political rights enjoy similar protection.

- The rights of Finland's minorities and the indigenous people, the Sámi, are guaranteed in the Constitution. Finland is a bilingual country, where the Swedish speaking minority enjoys extensive linguistic rights.

Finland emphasizes the importance of international human rights conventions.

- Finland has ratified some 60 international conventions related to human rights. International conventions enjoy a high status in the Finnish legal system. The United Nations human rights conventions are part of national law and may thus be invoked in the courts of law.

Finland has a strong institutional framework for the protection of human rights.

- In addition to the courts, human rights are monitored by a number of other institutions in Finland. The system of Ombudsman — both general and specialized — is well developed, and includes the Parliamentary Ombudsman and the Chancellor of Justice. The Ombudsman for Equality supervises compliance with the Act on Equality between Women and Men. The Ombudsman for Minorities and the new National Discrimination Tribunal were created recently to address discrimination based on ethnic origin. The Ombudsman for Children, established in 2005, promotes the rights of the child at all levels.

- The interlinkages of the fight against corruption and respect for human rights are fully recognized. Finland has for a number of years been rated as the least, or second least, corrupt State in the world.

For Finland, human rights are universal, indivisible and belong to all:

- The rights of women, children, minorities and indigenous peoples have been priority areas in Finland's human rights policy. Recently, also the rights of disabled persons have been emphasized. Persons belonging to these groups may fall victim to discrimination more easily than others.

- Finland emphasizes the universal and indivisible nature of human rights. Economic, social and cultural rights on the one hand, and civil and political rights on the other, are interdependent and mutually reinforcing. Finland has for instance supported the idea to supplement the International Covenant on Economic, Social and Cultural Rights with an individual complaints procedure, as is the case for the International Covenant on Civil and Political Rights.

- Human rights protection must respond to changing realities. Our societies are becoming increasingly multicultural. Pluralism brings with it enormous opportunities, provided that racism and discrimination are combated and equal opportunities guaranteed for all.

- Finland emphasizes the role of civil society, including non-governmental organizations and human rights defenders, in promoting human rights.

Finland emphasizes human rights in its development cooperation:

- The implementation of human rights is an essential requirement for sustainable development. Finland is fully committed to the implementation of the United Nations Millennium Declaration in its entirety, including the Millennium Development Goals. The principles of good governance, the rule of law and transparency are essential in order to meet these important objectives and to establish a solid human rights culture. Finland hopes that a joint dialogue on the right to development can provide tools to implement basic human rights in development.

- Finland emphasizes a rights-based approach to development, both in its bilateral development cooperation and in multilateral forums. For instance, Finland has a strategy and action plan for promoting gender equality in Finland's development policy. Its objective is to increase significantly the effectiveness of Finland's development policy as pertaining to gender equality and the status of women by 2007.

Finland promotes the protection of human rights in the framework of the European Union:

- Finland actively promotes human rights in the framework of the European Union. The upcoming Finnish Presidency of the European Union during the latter half of 2006 provides an excellent opportunity for Finland to continue to pursue the protection of human rights. Through the implementation of the European Union Guidelines on Human Rights and the initiative of mainstreaming human rights, which is one of the priorities identified in the field of human rights in the Austrian-Finnish operational programme of the

Council for 2006, Finland will, as the upcoming presidency, continue to promote and implement United Nations human rights initiatives such as Security Council resolutions 1325 (2000) and 1612 (2005).

- Finland, together with other Nordic countries, has actively promoted various international human rights initiatives, such as the Permanent Forum on Indigenous Issues, the Declaration on Human Rights Defenders and the Optional Protocol for the Convention against Torture. Finland and the other Nordic countries aim to secure effective follow-up to these initiatives.

Pledges and commitments

Ratification of United Nations human rights instruments and reservations made thereto

- Finland is State party to six basic United Nations human rights instruments, and to most of their Optional Protocols:
  - International Covenant on Civil and Political Rights (entry into force for Finland: 1976); first Optional Protocol to the International Covenant on Civil and Political Rights (1976); second Optional Protocol to the International Covenant on Civil and Political Rights (1991);
  - International Covenant on Economic, Social and Cultural Rights (1976);
  - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1989);
  - Convention on the Elimination of All Forms of Discrimination against Women (1986); Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (2001);
  - International Convention on the Elimination of All Forms of Racial Discrimination (1970);
  - Convention on the Rights of the Child (1991); Optional Protocol on the involvement of children in armed conflict (2002);
  - Finland has also ratified the 1951 Convention on the Status of Refugees and its 1967 Protocol.
- Finland has accepted the jurisdiction of the treaty bodies relating to individual complaints with regard to all those United Nations human rights conventions, where such complaints mechanism is provided for.
- Finland has ratified the Rome Statute of the International Criminal Court, and strongly supports the work of the Court in its important role in eliminating impunity for gross human rights violations.
- Finland has a strong policy to avoid reservations to human rights treaties. Before the ratification of treaties, Finland regularly reviews its legislation to identify possible incompatibilities, and undertakes the necessary legislative amendments. Finland has abolished reservations to all but one United Nations human rights convention, namely the International Covenant on Civil and Political Rights. These reservations, which relate to articles 10, 14 and 20, are under constant review with a view to assessing possibilities for their removal.

According to a review recently undertaken, the possibility to remove reservation to article 10 will in particular be examined.

- Finland is also party to various regional human rights instruments, including human rights instruments of the Council of Europe, such as the European Convention on Human Rights, all the protocols thereto and the revised European Social Charter.

Pledges relating to ratification of United Nations human rights instruments, and reservations made thereto:

Finland pledges to take the following steps in relation to the ratification of United Nations human rights instruments:

- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

  Finland signed the Optional Protocol on 7 September 2000. Whereas the Finnish legislation is already for the most part in conformity with the provisions of the Protocol, a new provision will be required to the Penal Code relating to inappropriate international adoptions. The ratification process can be finalized as soon as this legislative amendment has been adopted by the Parliament.

- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

  Finland has signed the Optional Protocol on 23 September 2003. A governmental working group will identify the most appropriate body to perform the tasks of the national preventive mechanism provided for in the Protocol, and to examine whether a new body would need to be created.

- ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries

  The Government has been active in seeking such a solution for the question of land rights in the Sámi Homeland as would remove the obstacles to the ratification of the Convention. The Ministry of Justice is currently preparing a Government bill to be submitted to the Parliament by the end of this year, proposing the legislative amendments needed for the ratification of the Convention.

- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

  Finland has signed the Protocol on 12 December 2000. The Finnish legislation has been amended so that it is in full conformity with the provisions of the Protocol. On 22 December 2005, the Government submitted a bill to the Parliament, containing a draft law for the adoption of the Protocol. It is hoped that the ratification process of the Protocol will be concluded by the end of 2006 at the latest.

- Finland pledges to continue its objection to any reservations to human rights conventions that are against the object and the purpose of the instrument. This

applies to Finland's own policy as well as to Finland's international human rights policy.

Cooperation with the United Nations human rights mechanisms, including the mechanisms of the Human Rights Council

- Finland gives high priority to ensuring its full compliance with the provisions of international human rights instruments and to reporting to the monitoring bodies on national implementation in a timely manner. Finland has no overdue reports. The preparation of the periodic reports to the treaty bodies is based on the principles of openness and transparency. Finland aims to report not only about positive developments, but also about the problems that persist. Finland emphasizes the importance of active participation of non-governmental organizations in the various parts of the reporting process. Before the report is submitted to the United Nations, a public hearing is organized. The Government also appreciates the practice of the submission of shadow reports by non-governmental organizations directly to the treaty bodies.

- Once a treaty body has submitted its recommendations to Finland, they are translated into Finnish and Swedish and in many cases also the North Sámi language, and widely distributed to authorities, the Parliament and civil society. A press briefing is often organized to ensure widest possible publicity for the recommendation. When submitting the recommendations to other authorities, the Ministry for Foreign Affairs asks them to identify concrete ways to implement the recommendations.

- The recommendations by international human rights treaty bodies were used as a basis for the 2004 report by the Finnish Government on its human rights policy to the Parliament. The report provides a detailed account of measures to implement the recommendations of the United Nations treaty bodies.

- Finland strongly supports the work of the special procedures and has extended a standing invitation to all the special procedures.

Pledges relating to the implementation of Finland's human rights commitments

- Finland pledges to work in full cooperation with the Human Rights Council and any mechanisms that might be established under it, including in relation to the periodic review process. In order to facilitate the review, Finland would be prepared to submit a detailed analysis of measures taken or planned to implement recommendations made to Finland by treaty bodies and special procedures.

- Finland pledges to continue its strong support to the special procedures, and its full commitment to cooperate with them. The standing invitation made by Finland to the special procedures of the Commission on Human Rights will naturally be extended to the special procedures as they have been transferred to the Council.

- Finland pledges to cooperate fully with the United Nations treaty bodies, including timely reporting and widest possible dissemination of treaty body recommendations, in order to facilitate their implementation. Finland pledges to ensure a systematic follow-up to treaty body recommendations. In the

following, commitments to address some key areas of concern identified by the United Nations treaty bodies are taken up:

- Finland pledges to assess the adequacy of its institutional framework for the protection of human rights. As noted above, the institutional framework for the protection and promotion of human rights is already extensive. Finland pledges to identify whether all the tasks of a national institution according to the Paris Principles can effectively be fulfilled by the existing mechanism. Such a study can be finalized by mid-2006. If it appears that there are gaps in the current protection system, Finland pledges to consider the establishment of a new national human rights institution to complement the existing mechanisms.

- Finland pledges to further intensify its efforts to eliminate violence against women. Human rights mechanisms have pointed out that violence against women persists and continues to present a human rights challenge for Finland. Finland is committed to combating it through a set of measures, including the 2004 internal security programme, which contains several provisions aimed at preventing violence against women, and the 2004-2007 action programme for the prevention of intimate partner and domestic violence. Furthermore, a comprehensive national programme for the reduction of violence will be prepared. Possible gaps that may still exist in the legislation will be identified. An assessment whether the current and planned Government programmes are specific enough to effectively address all aspects of this problem will be made. Finland also undertakes to further increase the awareness of the authorities, to address the specific needs of immigrant women and to continue to emphasize the prevention of domestic violence in the education of the police.

- Finland pledges to further intensify its fight against trafficking in human beings. Finland will take measures to combat trafficking to and through Finland by fully implementing the 2005 Government Plan of Action against Trafficking. For this reason, a steering group has recently been appointed. The intention is to enhance the assistance and services provided to the victims of trafficking. A legislative amendment is currently being prepared to the Aliens Act, facilitating the grating of a residence permit as well as granting a reflection period to victims of trafficking. Finland will ratify the Palermo Protocol as a matter of priority (*see also above*). Finland is committed to continuing its cooperation against trafficking in human beings both at the regional and international level.

- Finland is committed to addressing the need for more creative methods to promote the Convention on the Rights of the Child. The Committee on the Rights of the Child has underlined the need to nominate the Ombudsman for Children, and, in fact, the post was established in 2005. Finland will take measures to strengthen the Office of the Ombudsman. Finland is committed to fully implement the national action plan "Finland fit for children" adopted in 2005 on the basis of the commitment taken in the World Summit for Children.

- Finland undertakes to further intensify its action against racism and discrimination. Incidents of discrimination and racist attitudes pose a human rights challenge also in Finland. The Government is preparing a

comprehensive programme on migration, which will take up the promotion of equality and anti-discrimination as a point of emphasis. A new Equality Act came into force in 2004, and contains effective remedies against racism and discrimination. Finland is committed to continuing human rights education of the police, and the regular analysis of racist crimes. Finland pledges to give priority to preventing discriminatory attitudes towards the various ethnic minorities in Finland.

- Finland is committed to further strengthening the rights of indigenous peoples. Finland pledges to monitor the effectiveness of the Sámi language law, and to further strengthen education in the Sámi language and the preservation of the Sámi culture. Finland is committed to implementing the 2005 Act on Metsähallitus (former Finnish Forests and Parks Service), which provides that the management, use and protection of natural resources governed by the Metsähallitus in the Sámi homeland shall be adjusted to ensuring the conditions of the Sámi to practice their culture, and to fulfilling the obligations laid down in the Reindeer Husbandry Act. Finland has participated in the expert group preparing a draft Nordic Sámi Convention, and pledges to continue its active participation in the forthcoming process. See also the pledge above relating to the ratification of the ILO Convention No. 169.

Support to the Office of the United Nations High Commissioner for Human Rights and the entire United Nations human rights machinery

- Finland is a strong supporter of the Office of the United Nations High Commissioner for Human Rights (OHCHR). In 2005, Finland was the tenth largest donor to the Office, and calculated on the basis of population and GNP, the forth largest donor. A large part of the contribution is unearmarked so as to allow flexibility in the use of the funds.

- Finland supported strongly the commitment undertaken in the 2005 World Summit to double the resources from the regular United Nations budget to OHCHR, and was very active in the negotiations leading to the increase in the budget for the biennium 2006-2007.

- In addition to the support to OHCHR, and the funds administered by the Office, Finland has contributed financially, inter alia, to the Permanent Forum on Indigenous Issues, the "Action 2" programme, as well as to other specific programmes, such as the Secretary-General's study on violence against children.

- Finland emphasizes the mainstreaming of human rights and has strongly advocated for a human rights based approach in the activities of the United Nations funds and programmes. Finland underlines the need to pay particular attention that all counter-terrorism measures fully comply with human rights.

Pledges relating to Finland's support to the United Nations human rights machinery

- Finland pledges to continue its financial support to OHCHR and other United Nations human rights mechanisms at least on the current level. Finland is committed to making a large part of its general donation unearmarked.

- Finland pledges to continue its active role in ensuring the further strengthening of OHCHR through increasing the share of the Office from the regular United Nations budget.

- Finland pledges to continue its active role in ensuring that human rights are integrated to all United Nations activities, including those relating to development, maintenance of peace and security, and humanitarian activities.

Priorities for membership in the Council

- In the negotiations leading to the establishment of the Human Rights Council, Finland emphasized the need to preserve the strengths of the Commission on Human Rights, most notably the special procedures and active participation of non-governmental organizations and national institutions, and the need to build a Council that would be best equipped to contribute to the practical solutions of human rights crises, and to the development of international human rights law.

Pledges relating to the membership in the Human Rights Council

- Finland pledges to contribute actively to the creation of an open, transparent, productive and operational Human Rights Council that can function as an effective forum for dialogue and cooperation. Finland will do its utmost to ensure that the system of special procedures is maintained and further strengthened, and that the opportunities for contributions from non-governmental organizations and national human rights institutions are further strengthened. Finland will also aim to contribute to the creation of stronger linkages between the Council and national Parliaments.

- Finland is committed to create such a Council as can effectively respond to human rights violations and prevent human rights crises. Finland will oppose any procedural moves aimed at preventing the Council from addressing human rights crises. Finland will promote the role of the Human Rights Council in terms of advisory services, technical assistance, and other means by which the national capacity of States to protect and promote human rights can be enhanced.

- Finland is committed to promote actively the development of human rights norms by the Council. As a priority, the Council should adopt the convention on involuntary disappearances, a declaration on the rights of indigenous peoples and it should create a working group to draft an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, based on the important work undertaken by the working group of the Commission on Human Rights.

- Finland is committed to contribute actively to the creation of an effective universal periodic review mechanism that would complement the work of the United Nations treaty bodies and of the special procedures.

- Finland undertakes to contribute to the efforts to create strong linkages between the Council and other bodies of the United Nations.